

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 15-31 are pending in the present application. Claims 15-17, 22-28 and 31 have been amended by the present amendment.

In the outstanding Office Action, Claims 15, 16, 18-24 and 26-30 were rejected under 35 U.S.C. § 103(a) as unpatentable over Rohani et al. (U.S. Patent 6,064,659, herein “Rohani”) in view of Dahlman et al. (U.S. Patent 6,173,162, herein “Dahlman”) in further view of Chen (U.S. Patent 5,893,035); and Claims 17, 25 and 31 were indicated as allowable if rewritten in independent form.

Applicant thanks the Examiner for the indication that Claims 17, 25 and 31 include allowable subject matter.

Claims 15-17, 22-28 and 31 have been amended for clarification. No new matter is added thereby.

Claims 15, 16, 18-24 and 26-30 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Rohani, Dahlman and Chen. This rejection is respectfully traversed.

Amended Claim 15 is directed to a base station that includes power command units each receiving a signal intended for a mobile station and a power command signal, summation units each forming a sub-composite signal from a group of signals having a given priority level transmitted by the power command units, attenuation units each attenuating the sub-composite signal transmitted by respective one of the summation units by applying respective attenuation coefficient, and a summer that forms a composite signal to be transmitted to mobile stations from signals transmitted by the attenuation units.

In a non-limiting example, Figure 3 illustrates a base station (SB) that includes power command units (14_{1-N}) each receiving a signal (e_{1-N}) intended for a mobile station

and a power command signal (TPC_{1-N}), summation units (15_{1-K}) each forming a sub-composite signal (Sc_{1-K}) from a group of signals having a given priority level transmitted by the power command units (14_{1-N}), attenuation units (16_{1-K}) each attenuating the sub-composite signal (Sc_{1-K}) transmitted by respective one of the summation units (15_{1-K}) by applying respective attenuation coefficient (α_{1-K}) and a summer (10) that forms a composite signal (Sc) to be transmitted to mobile stations from signals (sc_{1-k}) transmitted by the attenuation units (16_{1-K}).

By providing such a base station, it is possible to modify a power contribution of each sub-composite signal differently from other sub-composite signals when a power of a composite signal becomes greater than an operating power of an amplifier (see the specification, page 6, line 32 to, page 7, line 2, and page 7, line 29 to, page 8, line 3).

In contrast to amended Claim 15, Figure 2 of Rohani describes the steps of limiting power when a total requested power by subscriber units exceeds a maximum transceiver power (see also column 3, line 26 to, column 4, line 8). In particular, an amount of power to be limited is first determined, the subscriber units are then separated into priority groups, and the subscriber units in each priority group are sorted based on the subscriber units' requested power. After sorting of the subscriber units in each priority group, at Block 112 of Figure 2 of Rohani, a subscriber unit in a lowest priority group requesting a largest amount of power is selected to have its power limited until the amount of power that needs to be limited is met or until a minimum subscriber unit power is reached for the selected subscriber unit. If the minimum subscriber unit power is reached, a subscriber unit in the group (in this case, the lowest priority group) that requested a second largest amount of power is selected to have its power limited until the amount of power that needs to be limited is met or until a minimum subscriber unit power is reached for the second subscriber unit. This process of limiting continues until the amount of power that needs to be limited is satisfied or all of the

subscriber units in the lowest priority group have been limited to a minimum subscriber unit power. If latter case happens, as illustrated at Block 114 of Figure 2 of Rohani, a process of limiting power of subscriber units in a higher priority group in a similar fashion as discussed above continues until the amount of power that needs to be limited is satisfied.

Moreover, Figure 5 of Rohani discloses a comparator 418 that computes a difference between a total requested power and a maximum transceiver power 420, where an output of the comparator 418 being an amount of power that must be limited (see column 5, lines 46-67). This value is used by a power limiter control 416 to select subscriber units that will have their power limited to reduce the total transceiver transmit power below the maximum transceiver power. However, as indicated in the outstanding Office Action, Rohani fails to disclose "... a plurality of summation units each configured to form a sub-composite signal from a group of input signals having a given priority level transmitted by the plurality of power command units ..." as recited in Claim 15 (now amended Claim 15).

Dahlman discloses one potential relationship between radio bearers and physical channels, where data blocks provided by two radio bearers (RB1, RB2) are multiplexed, provided with forward error correction (FEC), and interleaved prior to being spread using spreading code associated with PDCH1 (see column 3, lines 14-20, and Figure 1B). Then, the physical channel PDCH1 and other physical channels are summed and scrambled prior to transmission (see column 3, lines 20-24, and Figure 1B).

It is respectfully submitted that one skilled in the art would not have been motivated to combine the teachings of Rohani and Dahlman because the combination of Rohani with Dahlman as suggested in the outstanding Office Action would change the principle of operation of Rohani since signals of the subscriber units are summed (requested power of the subscriber units are summed), and this would render Rohani unable to successively limit power of the subscriber units one subscriber unit at a time. Accordingly, there is no

suggestion or motivation to make the proposed modification (combination) (see M.P.E.P. § 2143.01).

Furthermore, Chen discloses a communication system that includes a base station controller and a user station. The base station includes a power control processor that alters a power level of communication signals. However, Chen also does not disclose the base station as recited in amended Claim 15.

Independent Claim 21 recites a step of forming a sub-composite signals, thus same arguments set forth above apply to Claim 21 as well.

Because none of Rohani, Dahlman and Chen discloses the structure as recited in amended Claim 15, even the combined teachings of these cited references are not believed to render the base station recited in amended Claim 15 obvious.

Accordingly, it is respectfully requested this rejection be withdrawn.

Application No. 09/778,746
Reply to Office Action of February 26, 2004

In light of the prior indication of allowable subject matter and above discussion, and in view of the present amendment, the present application is believed to be in condition for allowance. Therefore, Applicant respectfully requests an early and favorable action to that effect.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)

EHK/GS:fm
I:\ATTY\GS\20s\202722\AME 2.DOC